

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

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FLASHPARKING, INC.	:	
	:	
Plaintiff,	:	Civ. No. 23-772
	:	
v.	:	JURY TRIAL DEMANDED
MICHAEL SELLERS MACDONALD,	:	
	:	JULY 7, 2023
Defendant.	:	
	:	

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**NOTICE OF REMOVAL OF A CIVIL ACTION**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

Pursuant to 28 U.S.C. §§1333, 1441(b), 1446(b), 1446(b)(3), the Defendant Michael MacDonald ("MacDonald"), by and through his attorney Sean D. Johnson, of Reid Collins & Tsai, LLP respectfully submits this Notice of Removal of a Civil Action based upon the following grounds:

1. This action was instituted by plaintiff in the Travis County, Court of Law No.2, in the State of Texas, Cause No. C-1-cv-23-002440 (hereinafter referred to as the "State Action") and is now pending therein. The State Action was filed on June 9, 2023. There is no return date listed in this matter.

2. On June 14, 2023, a copy of the Citation and Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction in the State Action was served on MacDonald at his residence at 1509 Brookside Drive, Fairfield, CT 06824. A true and correct copy of the Citation and Petition is attached as Exhibit A herein. The Petition alleges: Violation of the Texas Uniform Trade Secrets Act and Count Two: Attorney's Fees.

3. On June 9, 2023, Plaintiff's Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction was filed in the State Action.

4. On June 12, 2023, a temporary Restraining Order was issued by the Court.

5. On June 15, 2023, a First Amended Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunction was filed with the State court.

6. On June 20, 2023, an amended temporary Restraining Order was issued by the Court.

7. No proceeding has been had in the State Action, except that MacDonald has filed a motion of non-resident attorney to appear pro hac vice, a notice appearance, a special appearance, and motion for an enlargement of time to appear at the show cause hearing. No motion filed has been adjudicated at the time of this filing.

8. The above-described action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. 1332, diversity of citizenship.

9. This case involves diverse parties. Plaintiff, Flashparking, Inc., is a Delaware corporation with its principal place of business in Austin, Texas, Travis County, Texas.

10. Defendant MacDonald is a resident of the State of Connecticut.

11. Plaintiff's claims for economic damages under the contract alleged in the Petition will likely exceed \$75,000, including costs and attorney's fees.

12. MacDonald files this Notice of Removal of a Civil Action without waiving any jurisdictional or other defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pleaded claims upon which relief can be granted.

13. This Notice of Removal of a Civil Action is filed with this Court, less than thirty days after receipt by MacDonald of a copy of the Citation and Petition upon which the State Action is based, as calculated under Rule 6(a) of the Federal Rules of Civil Procedure.

14. This Court has original jurisdiction pursuant to 28 U.S.C. 1332 and removal is appropriate pursuant to 28 U.S.C. 1441 because Plaintiff, a foreign corporation organized under the laws of the State of Delaware, and with a principal place of business in Texas, asserts claims against MacDonald, a Connecticut resident, and the amount in controversy exceeds \$75,000, including potential counter claims and attorney's fees.

WHEREFORE, the Defendant, Michael MacDonald, hereby gives notice that the State Action is removed from The County Court at Law No. 2, Travis County, Texas, to this Court.

DEFENDANT,  
MICHAEL MACDONALD

**REID COLLINS & TSAI LLP**  
1301 S. Capital of Texas Hwy  
Building C, Suite 300  
Austin, TX 78746  
T: 512-647-6100  
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/s/ Sean D. Johnson  
Sean D. Johnson  
Texas Bar No. 24055746  
[sjohnson@reidcollins.com](mailto:sjohnson@reidcollins.com)

**CERTIFICATION OF SERVICE**

Pursuant to Federal Rules of Civil Procedure Rule 5, I hereby certify that a copy of the above document was served via electronic mail on July 7, 2023 to:

FOR PLAINTIFF:

Lessie C. Gilstrap, Esq.  
lessie@gilstraplawgroup.com  
Glorieni M. Azeredo, Esq.  
gazeredo@gilstraplawgroup.com

*/s/ Sean D. Johnson*

Sean D. Johnson  
sjohnson@reidcollins.com

AND

**CERTIFICATION OF SERVICE**

Pursuant to Efilng Local Rule 5.4, this is to certify that on July 7, 2023, a copy of the foregoing was filed electronically on the Texas County Court's efilng system, emailed to the parties below, and delivered to all those with access to such efilng system and mailed, postage prepaid, to those parties without electronic access. The electronic transmission was reported as complete.

*/s/ Sean D. Johnson*

Sean D. Johnson  
sjohnson@reidcollins.com

The foregoing document was emailed to:

FOR PLAINTIFF:

Lessie C. Gilstrap, Esq.  
lessie@gilstraplawgroup.com  
Glorieni M. Azeredo, Esq.  
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